



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
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In re Application of:  
Romeo S. Linn, et al.  
Application Serial No.: 10/707,714  
Filed: January 6, 2004  
For: **OBJECT APPROACHING DETECTION  
ANTI BLIND E-MIRRORS SYSTEM**

**MAILED**

**JUL 13 2005**

**DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600**

**DECISION  
ON PETITION**

This is a decision on the petition filed on July 11, 2004, which is treated as a petition to invoke the supervisory authority of the Director in accordance with 37 C.F.R. §1.181. No fee is required.

The petition is **Denied**.

Applicants request the substitution of examiners to examine their application stating "The examiner Mr. Senfi has expressed no more want to do the work for our case. He is too busy for other work. The examiner has difficulty to carry on the examination work for our application in half year, despite our application was in special status since early February 2005."

MPEP §708.02, Petition to Make Special, states in part:...

*Applications which have been made special will be advanced out of turn for examination and will continue to be treated as special throughout the entire prosecution in the Office.*

MPEP §708 [R-2] · Order of Examination, states in part:...

*Nonprovisional applications shall be taken up for examination by the examiner to whom they have been assigned in the order in which they have been filed except for those applications in which examination has been advanced pursuant to 37 CFR 1.102. See 37 CFR 1.496 and MPEP § 1893.03 for the order of examination of international applications in the national stage, including taking up out of order certain national stage applications which have been indicated as satisfying the criteria of PCT Article 33(1)-(4) as to novelty, inventive step and industrial applicability...*

*The order of examination for each examiner is to give priority to reissue applications and to reexamination proceedings, with top priority to reissue applications in which litigation has been stayed (MPEP § 1442.03)\*>,< to > ex parte< reexamination proceedings involved in litigation (MPEP § 2261), >and to inter partes reexamination proceedings involved in litigation (MPEP § 2661),< then to those special cases having a fixed 30-day due date, such as examiner's answers and decisions on motions. Most other cases in the "special" category (for example, interference cases, cases made special by petition, cases ready for final conclusion, etc.) will continue in this category, with the first effective U.S. filing date among them normally controlling priority.*

A review of the record reveals that the petition to grant "Special" status to the subject application, filed January 23, 2005, was granted on February 9, 2005. Preliminary amendments were filed on March 22 and April 19, 2005. A notice of Non-Compliant amendment was mailed

on April 26, 2005 and it would appear as though applicant recently, i.e., June 7, 2005, filed another preliminary amendment. An action on the merits has not been mailed.

It is the Office's prerogative to assign applications to examiners without influence from an applicant. Moreover, it is not within an examiner's purview to elect which applications assigned to them, that they will or will not work on.

Therefore, the examiner is hereby directed that the subject application will be the next application that the examiner reviews in accordance with MPEP §708.



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Andrew Faile, Acting Director  
Technology Center 2600  
Communications